

STATE OF MICHIGAN
COURT OF APPEALS

LAURA MORRIS,

Plaintiff-Appellant,

v

CHIPPEWA VALLEY SCHOOLS,

Defendant-Appellee.

UNPUBLISHED
February 21, 2003

No. 238683
Macomb Circuit Court
LC No. 01-000827-CL

Before: Kelly, P.J. and White and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order granting both parties' motions for summary disposition and dismissing the case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff was employed by defendant as a teacher when she applied for and received sick leave benefits. It was later determined that plaintiff had not been entitled to the benefits and defendant requested reimbursement. When plaintiff refused to pay the money back, defendant withheld it from her pay. Plaintiff filed this action seeking a declaration that defendant had acted illegally in withholding the funds from her pay and therefore the money should be returned to her. Defendant filed a counterclaim seeking reimbursement for the benefits plaintiff wrongfully received, alleging claims for fraud, conversion, and unjust enrichment.

Both parties filed motions for summary disposition, each seeking judgment on its own claim and dismissal of the opposing party's claim. Because plaintiff did not dispute that she had not been entitled to the benefits and defendant had already been repaid, the trial court simply granted both motions and dismissed the case. Plaintiff contends that apart from the inherently contradictory nature of the court's ruling, that ruling should be reversed because she presented sufficient evidence to establish that defendant withheld money from her pay in violation of the Wages and Fringe Benefits Act (WFBA), MCL 408.471 *et seq.*

Regardless of the propriety of the trial court's ruling, we find that plaintiff has failed to establish a right to relief. Plaintiff's sole legal argument on appeal is that defendant violated the WFBA by withholding money from her paycheck for reimbursement. Assuming that were true, she has not shown how that would entitle her to relief on her complaint. In other words, she has not shown that she has a valid cause of action for a declaratory judgment or a legal right to recoup the money withheld due to a violation of the WFBA. Even assuming she proved a right

to recoup the money, she has not shown that her right is not offset by defendant's claim for unjust enrichment. Because plaintiff has failed to address issues, which must necessarily be reached to reverse the trial court's ruling, she is not entitled to relief. *Sargent v Browning-Ferris Indus*, 167 Mich App 29, 37; 421 NW2d 563 (1988); *Roberts & Son Contracting, Inc v North Oakland Dev Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Helene N. White

/s/ Joel P. Hoekstra